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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re:	:	Chapter 13
Mary Anne Kazlauskas	:	
Debtor	:	Bankruptcy Case: 16-18741-jkf

**DEBTOR'S OBJECTION TO PROOF OF CLAIM NO. 3
FILED BY CIT BANK, N.A. TO DETERMINE VALUE
OF CREDITOR HERITAGE CREEK CONDOMINIUM ASSOCIATION'S
ALLOWED SECURED CLAIM**

The Debtor, by her attorney, requests that this Court, pursuant to 11 U.S.C. § 1322(b)(5)(a) and Bankruptcy Rule 3002.1 hereby objects to Proof of Claim number 3 filed by CIT Bank, N.A., and in support thereof states as follows:

1. The Debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code on December 22, 2016.
2. Creditor, CIT Bank, N.A., filed a Notice of Postpetition Mortgage Fees, Expenses, and Charges on July 13, 2017, totaling \$650.00.
3. Creditor alleges a Bankruptcy or Proof of Claim fees from review of the plan and proof of claim on March 10, 2017 total \$650.00. A true and correct copy of the proof of claim is attached hereto as Exhibit "A".
4. Debtor objects to the claim. The claims sought by the creditor are unreasonable. Creditor offers no proof that Creditor has authority to collect this claim. Further this claim cannot be collected unless there is equity in the real estate above and beyond the claim of the Creditor and all liens prior thereto.
5. Creditor is not entitled to recover post-petition fees for work performed preparing and filing the Proof of Claim because the services performed are merely ministerial and not legal in nature.
6. The Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 1334 and 157(b)(2)(K). This is a core proceeding.

WHEREFORE, Debtor prays that this Court issue an Order determining that the post petition arrearage owed to CIT Bank, N.A, is discharged.

Respectfully,

Date: 10/06/2017

/s/Robert N. Kim, Esquire
Attorney for Debtor

EXHIBIT A

Fill in this information to identify the case:

Debtor 1 Mary Anne Kazlauskas

Debtor 2
(Spouse, if filing)

United States Bankruptcy Court for the: EASTERN District of PA
(State)

Case number 16-18741-SR

Official Form 410S2

Notice of Postpetition Mortgage Fees, Expenses, and Charges 12/16

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any fees, expenses, and charges incurred after the bankruptcy filing that you assert are recoverable against the debtor or against the debtor's principal residence.

File this form as a supplement to your proof of claim. See Bankruptcy Rule 3002.1.

Name of creditor: CIT Bank, N.A.

Court claim no. (if known): 3

Last 4 digits of any number you use to identify the debtor's account: 1920

Does this notice supplement a prior notice of postpetition fees, expenses, and charges?

☒ No

☐ Yes. Date of the last notice: 1/1

Part 1: Itemize Postpetition Fees, Expenses, and Charges

Itemize the fees, expenses, and charges incurred on the debtor's mortgage account after the petition was filed. Do not include any escrow account disbursements or any amounts previously itemized in a notice filed in this case. If the court has previously approved an amount, indicate that approval in parentheses after the date the amount was incurred.

Description	Dates incurred	Amount
1. Late charges		(1) \$
2. Non-sufficient funds (NSF) fees		(2) \$
3. Attorney fees		(3) \$
4. Filing fees and court costs		(4) \$
5. Bankruptcy/Proof of claim fees	See 1 in Addendum	(5) \$ 650.00
6. Appraisal/Broker's price opinion fees		(6) \$
7. Property Inspection fees		(7) \$
8. Tax advances (non-escrow)		(8) \$
9. Insurance advances (non-escrow)		(9) \$
10. Property preservation expenses. Specify:		(10) \$
11. Other. Specify:		(11) \$
12. Other. Specify:		(12) \$
13. Other. Specify:		(13) \$
14. Other. Specify:		(14) \$

The debtor or trustee may challenge whether the fees, expenses, and charges you listed are required to be paid. See 11 U.S.C. § 1322(b)(5) and Bankruptcy Rule 3002.1.

Debtor 1 Mary Anne Kazlauskas Case number (if known) 16-18741-SR
First Name Middle Name Last Name

Part 2: Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

- ☐ I am the creditor.
☒ I am the creditor's authorized agent.

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

X /s/ Celine P. DerKrikorian
Signature

Date 06/13/2017

Print: Celine P. DerKrikorian
First Name Middle Name Last Name

Title Attorney for creditor

Company McCabe, Weisberg & Conway, P.C.

Address 123 S. Broad Street, Suite 1400
Number Street
Philadelphia, PA 19109
City State ZIP Code

Contact phone (215) 790 - 1010

Email ecfmail@mwc-law.com

Addendum

1. 03/10/2017 Plan Review (\$250.00), 03/10/2017 Proof of Claim (\$400.00)